

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ERIC FORSYTHE, et al.,

Plaintiffs,

v.

SUN LIFE FINANCIAL, INC., et al.,

Defendants.

No. 04-10584-GAO

**DEFENDANTS' MOTION FOR PROTECTIVE ORDER
CONCERNING THE STATUTORY DAMAGES PERIOD**

Pursuant to Federal Rules of Civil Procedure 26(b)(2) and 26(c), defendants hereby move for an order (1) declaring that the damages period in this case shall be limited to the period from March 26, 2003 to March 25, 2004, and (2) prohibiting plaintiffs from seeking discovery after March 25, 2004, except to the extent that documents created after that date contain or reflect responsive information relating to the period from March 26, 2003 to March 25, 2004. The grounds for this Motion are set forth in the accompanying Memorandum of Law.

WHEREFORE, defendants respectfully request that the Court:

- a. Enter the aforementioned order requested by defendants; and
- b. Award other relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the Defendants hereby request that the Court grant a hearing on their Motion for Protective Order Concerning the Statutory Damages Period. In support of this request, the Defendants believe that oral argument will assist the Court in clarifying the issues raised in the motion.

MASSACHUSETTS FINANCIAL SERVICES
COMPANY and MFS FUND DISTRIBUTORS, INC.

By their attorneys,

/s/ William H. Paine
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Date: October 11, 2006

Rule 26(c) and Local Rule 26.2(C) Certification

Pursuant to Rule 26(c) and Local Rule 26.2(C), counsel for defendants and counsel for plaintiffs conferred prior to the filing of this motion with the Court in a good faith attempt to narrow their dispute. The parties were not able to resolve their dispute concerning requests and other issues that are the subject of this motion.

CERTIFICATE OF SERVICE

I, Jennifer Carpenter, hereby certify that on October 11, 2006, I caused a copy of the foregoing document to be served either electronically or by overnight mail upon counsel for Plaintiffs.

/s/ Jennifer Carpenter
Jennifer Carpenter

Dated: October 11, 2006